

1 Fred W. Schwinn (SBN 225575)
2 CONSUMER LAW CENTER, INC.
3 12 South First Street, Suite 1014
4 San Jose, California 95113-2014
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

5 Attorney for Plaintiff
6 JESUS AGUSTIN

ADR

ORIGINAL
FILED

08 MAR 11 PM 1:54

RICHARD J. HARRIS

U.S. DISTRICT COURT
SAN JOSE, CALIFORNIA

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 JESUS AGUSTIN,

12 Plaintiff,

13 v.

14 NCO FINANCIAL SYSTEMS, INC., a
15 Pennsylvania corporation,

Defendant.

C08 01379

COMPLAINT

HRL

DEMAND FOR JURY TRIAL

15 Unites States Code § 1692 *et seq.*
California Civil Code § 1788 *et seq.*

16 Plaintiff, JESUS AGUSTIN, based on information and belief and investigation of
17 counsel, except for those allegations which pertain to the named Plaintiff or his attorneys (which are
18 alleged on personal knowledge), hereby makes the following allegations:

19 **I. INTRODUCTION**

20 1. This is an action for statutory damages, attorney fees and costs brought by an
21 individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C.
22 § 1692, *et seq.* (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection Practices Act,
23 California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from
24 engaging in abusive, deceptive and unfair practices.

25 **II. JURISDICTION**

26 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §
27 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.
28 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

1 3. This action arises out of Defendant's violations of the Fair Debt Collection
2 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

3 **III. VENUE**

4 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in
5 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial
6 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the
7 Defendant transacts business in this judicial district and the violations of the FDCPA complained
8 of occurred in this judicial district.

9 **IV. INTRADISTRICT ASSIGNMENT**

10 5. This lawsuit should be assigned to the San Jose Division of this Court because
11 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara
12 County.

13 **V. PARTIES**

14 6. Plaintiff, JESUS AGUSTIN (hereinafter "Plaintiff"), is a natural person
15 residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15
16 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h) and a "senior
17 citizen" within the meaning of Cal. Civil Code § 1761(f).

18 7. Defendant, NCO FINANCIAL SYSTEMS, INC. (hereinafter "NCO"), is a
19 Pennsylvania corporation engaged in the business of collecting debts in this state with its principal
20 place of business located at: 507 Prudential Road, Horsham, Pennsylvania 19044. NCO may be
21 served as follows: NCO Financial Systems, c/o C T Corporation System, 818 West 7th Street, Los
22 Angeles, California 90017. The principal business of NCO is the collection of debts using the mails
23 and telephone, and NCO regularly attempts to collect debts alleged to be due another. NCO is a
24 "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

25 **VI. FACTUAL ALLEGATIONS**

26 8. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred
27 a financial obligation that was primarily for personal, family or household purposes, namely a
28 consumer credit card issued by Capital One Bank and bearing the account number XXXX-XXXX-

1 XXXX-8262 (hereinafter “the alleged debt”). The financial obligation alleged to be owed to Capital
2 One Bank by Plaintiff is a “debt” as that term is defined by 15 U.S.C. § 1692a(5) and a “consumer
3 debt” as that term is defined by Cal. Civil Code § 1788.2(f).

4 9. Sometime thereafter, on a date unknown to Plaintiff, the alleged debt was
5 consigned, placed or otherwise transferred to Defendant for collection from Plaintiff.

6 10. Thereafter, Defendant sent a collection letter (Exhibit “1”) to Plaintiff which
7 is a “communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

8 11. A true and accurate copy of the collection letter from Defendant to Plaintiff
9 is attached hereto, marked Exhibit “1,” and by this reference is incorporated herein.

10 12. The collection letter (Exhibit “1”) is dated March 12, 2007.

11 13. The collection letter (Exhibit “1”) was Defendant’s first written notice
12 addressed to Plaintiff in connection with collecting the debt alleged to be owed to Capital One Bank.

13 14. On or about March 30, 2007, Plaintiff mailed a letter to Defendant which
14 stated: “please be advised that I dispute this debt and refuse to pay.”

15 15. A true and accurate copy of Plaintiff’s letter disputing the alleged debt and
16 refusing to pay the alleged debt is attached hereto, marked Exhibit “3,” and by this reference is
17 incorporated herein.

18 16. Defendant received Plaintiff’s letter disputing the alleged debt and refusing
19 to pay the alleged debt (Exhibit “3”) on or about April 5, 2007

20 17. A true and accurate copy of the USPS Tracking Report and Certified Mail
21 Return Receipt evidencing Defendant’s receipt of Plaintiff’s letter disputing the alleged debt and
22 refusing to pay the alleged debt (Exhibit “2”) is attached hereto, marked Exhibit “3,” and by this
23 reference is incorporated herein.

24 18. After receiving Plaintiff’s letter disputing the alleged debt (Exhibit “2”),
25 Defendant continued its collection efforts without first obtaining and mailing Plaintiff a validation
26 of the debt being collected.

27 19. After receiving Plaintiff’s letter notifying Defendant of his refusal to pay the
28 alleged debt (Exhibit “2”), Defendant continued to communicate with Plaintiff in an attempt to

1 collect the debt alleged to be owed to Capital One Bank.

2 20. Defendant knew or should have known that its conduct was directed towards
3 a senior citizen.

4 21. Thereafter, Defendant sent a second collection letter (Exhibit "4") to Plaintiff
5 which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. §
6 1692a(2).

7 22. A true and accurate copy of the second collection letter from Defendant to
8 Plaintiff is attached hereto, marked Exhibit "4," and by this reference is incorporated herein.

9 23. The second collection letter (Exhibit "4") is dated June 22, 2007.

10 24. As a senior citizen subjected to Defendant's abusive, deceptive and unfair
11 collection practices, Plaintiff is entitled to treble damages pursuant to Cal. Civil Code § 3345.

12 **VII. CLAIMS**

13 **FAIR DEBT COLLECTION PRACTICES ACT**

14 25. Plaintiff brings the first claim for relief against Defendant under the Federal
15 Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692.

16 26. Plaintiff repeats, realleges and incorporates by reference all the allegations
17 of the preceding paragraphs as though fully set forth herein.

18 27. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §
19 1692a(3).

20 28. Defendant, NCO, is a "debt collector" as that term is defined by the FDCPA,
21 15 U.S.C. § 1692a(6).

22 29. The financial obligation alleged to be owed to Capital One Bank by Plaintiff
23 is a "debt" as that term is defined by the FDCPA, 15 U.S.C. § 1692a(5).

24 30. Defendant has violated the FDCPA in the following respects:

- 25 a. Defendant continued to communicate with Plaintiff in an attempt to
26 collect the debt allegedly owed to Capital One Bank after receiving
27 a written notification that Plaintiff refused to pay the debt being
28 collected, in violation of 15 U.S.C. § 1692c(c); and

1 b. Defendant continued its collection efforts against Plaintiff after
2 receiving a written notification within the 30-day validation period
3 from Plaintiff disputing the debt being collected in its entirety
4 without first obtaining a verification of the debt and mailing a copy
5 of such verification to Plaintiff, in violation of 15 U.S.C. § 1692g(b).

6 31. Defendant's acts as described above were done intentionally with the purpose
7 of coercing Plaintiff to pay the alleged debt.

8 32. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to an
9 award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

10 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

11 33. Plaintiff brings the second claim for relief against Defendant under the
12 Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

13 34. Plaintiff repeats, realleges and incorporates by reference all the allegations
14 of the preceding paragraphs as though fully set forth herein.

15 35. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code
16 § 1788.2(h).

17 36. Defendant, NCO, is a "debt collector" as that term is defined by the RFDCPA,
18 Cal. Civil Code § 1788.2(c).

19 37. The financial obligation alleged to be owed to Capital One Bank by Plaintiff
20 is a "consumer debt" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

21 38. Defendant has violated the RFDCPA in the following respects:

22 a. Defendant continued to communicate with Plaintiff in an attempt to
23 collect the debt allegedly owed to Capital One Bank after receiving
24 a written notification that Plaintiff refused to pay the debt being
25 collected, in violation of 15 U.S.C. § 1692c(c), as incorporated by
26 Cal. Civil Code § 1788.17; and

27 b. Defendant continued its collection efforts against Plaintiff after
28 receiving a written notification within the 30-day validation period

1 from Plaintiff disputing the debt being collected in its entirety
 2 without first obtaining a verification of the debt and mailing a copy
 3 of such verification to Plaintiff, in violation of 15 U.S.C. § 1692g(b),
 4 as incorporated by Cal. Civil Code § 1788.17.

5 39. Defendant's acts as described above were done willfully and knowingly with
 6 the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code §
 7 1788.30(b).

8 40. As a result of Defendant's willful and knowing violations of the RFDCPA,
 9 Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars
 10 (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

11 41. As a result of Defendant's violations of the RFDCPA, Plaintiff is entitled to
 12 an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil
 13 Code § 1788.17.

14 42. As a result of Defendant's violations of the RFDCPA, Plaintiff is entitled to
 15 an award of his reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and
 16 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

17 43. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the
 18 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies
 19 that Plaintiff may have under any other provision of law.

20 **VIII. REQUEST FOR RELIEF**

21 Plaintiff requests that this Court:

- 22 a. Assume jurisdiction in this proceeding;
- 23 b. Declare that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §§
 24 1692c(c) and 1692g(b);
- 25 c. Declare that Defendant violated the Rosenthal Fair Debt Collection Practices Act,
 26 Cal. Civil Code § 1788.17;
- 27 d. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to
 28 15 U.S.C. § 1692k(a)(2)(A);

- 1 e. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than
2 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);
3 f. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to
4 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code § 1788.17;
5 g. Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15
6 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c).
7 h. Award Plaintiff treble damages pursuant to Cal. Civil Code § 3345; and
8 i. Award Plaintiff such other and further relief as may be just and proper.

9
10 CONSUMER LAW CENTER, INC.

11 By: /s/ Fred W. Schwinn
12 Fred W. Schwinn, Esq.
13 Attorney for Plaintiff
14 JESUS AGUSTIN

15 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

16 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the
17 named parties, there is no such interest to report.

18 /s/ Fred W. Schwinn
19 Fred W. Schwinn, Esq.

20 **DEMAND FOR JURY TRIAL**

21 PLEASE TAKE NOTICE that Plaintiff, JESUS AGUSTIN, hereby demands a trial by jury
22 of all triable issues of fact in the above-captioned case.

23 /s/ Fred W. Schwinn
24 Fred W. Schwinn, Esq.

NCO F9
899

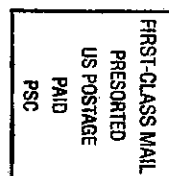
The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

PO Box 61247
DEPT 64
Virginia Beach VA 23466

4740 Baxter Road

01P81J 880-OSJ-899
JESUS AGUSTIN
185 BERESFORD CT APT 6203
MILPITAS CA 95035-4493

FIRST-CLASS



REFUSE TO PAY LETTER

March 30, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005-3110-0000-4788-4992

NCO Financial Systems Inc.
4740 Baxter Road
Virginia Beach, VA 23462

Re: Creditor: Capital One Bank
Account No.: 4388641949708262

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Jesus Agustin
186 Beresford Ct. Apt. G203
Milpitas, CA 95035



7005 3110 0000 4788 4992

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
VIRGINIA BEACH, VA 23462	
OFFICIAL USE	
Postage	\$ 00.39
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.64
0012	
Postmark Here	
04/02/2007	
Sent To NCO Financial Systems Inc.	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

NCO FINANCIAL SYSTEMS INC

PO Box 61247
DEPT 64
Virginia Beach VA 23466

4740 Baxter Road
Virginia Beach VA 23462

1-877-803-8009
OFFICE HOURS (ALL TIMES EASTERN)
8AM-11PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-5PM SATURDAY
11AM-8PM SUNDAY
Mar 12, 2007

0IP811

880-OSJ-899



JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493

Creditor: Capital One Bank
Account #: 4388641949708262
Total Balance: \$ 3088.47



The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.

Send payment in full directly to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-877-803-8009.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

PLEASE SEE IMPORTANT INFORMATION ON REVERSE SIDE

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0 4388641949708262 00 00000000000000000000

Total Balance: \$ 3088.47

Total enclosed

\$

Please print address changes below using blue or black ink

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	



CAPITAL ONE BANK
PO Box 60024
City of Industry, CA 91716-0024

0IP811

JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493


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Track & Confirm

Search Results

Label/Receipt Number: 7005 3110 0000 4788 4992
Detailed Results:

- Delivered, April 05, 2007, 10:57 am, VIRGINIA BEACH, VA 23462
- Acceptance, April 02, 2007, 3:57 pm, SAN JOSE, CA 95113

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NCO Financial Systems Inc.
4740 Baxter Road
Virginia Beach, VA 23462

2. Article Number

(Transfer from service label)

7005 3110 0000 4788 4992

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

M. Rivera 4/5/07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

EXHIBIT

3

4740 Baxter Road
Virginia Beach VA 23462

1-888-579-0626
OFFICE HOURS (ALL TIMES EASTERN)
8AM-11PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-6PM SATURDAY
10AM-9PM SUNDAY
Jun 22, 2007

0IP811 880-OSJ-518
JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493

Creditor: Capital One Bank
Account #: 4388641949708262
Total Balance: \$ 3585.60

The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.

Send payment in full directly to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-888-579-0626.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

PLEASE SEE IMPORTANT INFORMATION ON REVERSE SIDE



This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0 4388641949708262 00 00000000000000000000

Total Balance: \$ 3585.60

Total enclosed \$

Please print address changes below using blue or black ink

Street Apt. #
City State ZIP
Home Phone Alternate Phone

CAPITAL ONE BANK
PO Box 60024
City of Industry, CA 91716-0024

0IP811
JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

PO Box 61247
DEPT 64
Virginia Beach VA 23466

4740 Baxter Road
Virginia Beach VA 23462

01P81J
8800051518
JESUS AGUSTIN
144 BERESFORD CT APT 6203
MILPITAS CA 95035-4493

FIRST-CLASS

FIRST-CLASS MAIL
PRESORTED
US POSTAGE
PAID
PSC

PO Box 61247
DEPT 64
Virginia Beach VA 23466

NCO FINANCIAL SYSTEMS INC

4740 Baxter Road
Virginia Beach VA 23462

1-877-803-8009
OFFICE HOURS (ALL TIMES EASTERN)
8AM-11PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-5PM SATURDAY
11AM-8PM SUNDAY
Mar 12, 2007

0IP811

880-OSJ-899



JESUS AGUSTIN
186 BERESFORD CT APT 6203
MILPITAS CA 95035-4493



Creditor: Capital One Bank
Account #: 4388641949708262
Total Balance: \$ 3088.47

The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.

Send payment in full directly to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-877-803-8009.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

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PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0 4388641949708262 00 00000000000000000000

Total Balance: \$ 3088.47

Total enclosed

\$

Please print address changes below using blue or black ink

Street Apt. #
City State ZIP
Home Phone Alternate Phone



CAPITAL ONE BANK
PO Box 60024
City of Industry, CA 91716-0024

0IP811
JESUS AGUSTIN
186 BERESFORD CT APT 6203
MILPITAS CA 95035-4493

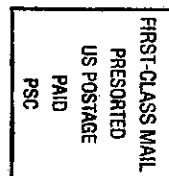
The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

PO Box 61247
DEPT 64
Virginia Beach VA 23466

4740 Baxter Road

01P81J 880-OSJ-899
JESUS AGUSTIN
185 BERESFORD CT APT 6203
MILPITAS CA 95035-4493

FIRST-CLASS



REFUSE TO PAY LETTER

March 30, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005-3110-0000-4788-4992

NCO Financial Systems Inc.
4740 Baxter Road
Virginia Beach, VA 23462

Re: Creditor: Capital One Bank
Account No.: 4388641949708262

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Jesus Agustin
186 Beresford Ct. Apt. G203
Milpitas, CA 95035



7005 3110 0000 4788 4992

U.S. Postal Service TM		
CERTIFIED MAIL TM RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
VIRGINIA BEACH, VA 23462		
OFFICIAL USE		
Postage	\$ 00.39	0012
Certified Fee	\$ 2.40	
Return Receipt Fee (Endorsement Required)	\$ 1.85	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 4.64	
Sent To NCO Financial Systems Inc.		
Street, Apt. No., or PO Box No.		
City, State, ZIP+4		

Postmark Here
04/02/2007

NCO FINANCIAL SYSTEMS INC

PO Box 61247
DEPT 64
Virginia Beach VA 23466

1-877-803-8009
OFFICE HOURS (ALL TIMES EASTERN)
8AM-11PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-5PM SATURDAY
11AM-8PM SUNDAY
Mar 12, 2007

4740 Baxter Road
Virginia Beach VA 23462

Creditor: Capital One Bank
Account #: 4388641949708262
Total Balance: \$ 3088.47

01P811

880-OSJ-899



JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493



The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.

Send payment in full directly to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-877-803-8009.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

PLEASE SEE IMPORTANT INFORMATION ON REVERSE SIDE

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0 4388641949708262 00 00000000000000000000

Total Balance: \$ 3088.47

Total enclosed

\$

Please print address changes below using blue or black ink

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	



CAPITAL ONE BANK
PO Box 60024
City of Industry, CA 91716-0024

01P811

JESUS AGUSTIN
186 BERESFORD CT APT G203
MILPITAS CA 95035-4493


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Track & Confirm

Search Results

Label/Receipt Number: 7005 3110 0000 4788 4992
Detailed Results:

- Delivered, April 05, 2007, 10:57 am, VIRGINIA BEACH, VA 23462
- Acceptance, April 02, 2007, 3:57 pm, SAN JOSE, CA 95113

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Track & Confirm

Enter Label/Receipt Number:



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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NCO Financial Systems Inc.
4740 Baxter Road
Virginia Beach, VA 23462

2. Article Number

(Transfer from service label)

7005 3110 0000 4788 4992

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

M. Rivera

C. Date of Delivery

4/5/07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

EXHIBIT

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